

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

EPIFANIO AND IRMA N. GOMEZ
Plaintiffs

VS.

SUSSEX INSURANCE COMPANY,
PALOMAR SPECIALTY INSURANCE
COMPANY AND WELLINGTON
INSURANCE COMPANY
Defendants

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CIVIL ACTION NO. 7:16-cv-00406
JURY DEMANDED

AGREED STIPULATION OF DISMISSAL FOR PLAINTIFFS

Plaintiffs and Defendants Sussex Insurance Company, Palomar Specialty Insurance Company and Wellington Insurance Company file this stipulation of dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

1. Plaintiffs are Epifanio Gomez and Irma N. Gomez, Defendants are Sussex Insurance Company, Palomar Specialty Insurance Company and Wellington Insurance Company.

2. On June 6, 2016, Plaintiffs sued Defendants in the County Court at Law Number 1, Hidalgo County, Texas, Cause No. CL-16-2428-A. On July 11, 2016, Sussex Insurance Company, Palomar Specialty Insurance Company and Wellington Insurance Company filed its Original Answer. On July 13, 2016, Sussex Insurance Company and Palomar Specialty Insurance Company filed its Notice of Removal.

3. On or about October 7, 2016, the parties settled this case. As a result of this settlement, all issues in the above-styled and numbered litigation have been fully and finally settled. Plaintiffs now move to dismiss the suit against Defendants.

4. Defendants agree to the dismissal.

5. This case is not a class action under Federal Rule of Civil Procedure 23, a derivative action under Rule 23.1, or an action related to an unincorporated association under Rule 23.2.

6. A receiver has not been appointed in this case.

7. This case is not governed by any federal statute that requires a court order for dismissal of the case.

8. Plaintiffs have not previously dismissed any federal or state-court suit based on or including the same claims as those presented in this case.

9. This dismissal is with prejudice.

Respectfully submitted

By: /s/Thomas F. Nye

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**COUNSEL FOR PLAINTIFFS,
EPIFANIO AND IRMA N. GOMEZ**

**Signed with permission*

CERTIFICATE OF SERVICE

I certify that on November 29, 2016 a copy of the parties' Agreed Stipulation of Dismissal was *electronically filed* on the CM/ECF system, and will be served on the following attorney in charge for Plaintiffs, Epifanio and Irma N. Gomez, via electronic filing or regular mail:

A. Andre Maldonado
Law Office of Andre Maldonado
Email: maldonadolaw@yahoo.com

VIA E-FILING

/s/Thomas F. Nye
Thomas F. Nye